

Island County ‘Code Clean-up’

DATE	Code Section	COMMENTOR	COMMENTS & NOTES	House-keeping	Consistency	Policy	Resolution
7/6/15	17.03.xxx	DW – ICPD	Refers to ICC 17.08.342, repealed July 4, 1776. <b>(EXAMPLE)</b>	x			
7/9/15	17.03.040	DW – ICPD	<p>Farm Housing – definition includes ‘single–family dwellings’ which are considered site-built. Provision allows density provisions of the zone to be exceeded, based on gross income of one individual living in the home, and no apparent limitation as to the number of farm-worker dwellings. This provision leads to a permanent dwelling being established based on temporary circumstances. Creates a ‘loop-hole’ for ag operators to create multiple homes on one parcel, despite low-density limitations of ag zones.</p> <p>Provision is inconsistent with WAC 246-358/359.</p>		x	x	<p>If farm-worker housing is limited by density, then form of the housing is a moot point. If extra homes are intent of the code, the clarity is needed – policy call.</p> <p>Guest cottages, farm worker housing, accessory dwelling units are all methods to increase the residential density of rural parcels, but no provision exists in the code to actually allow the increase in per-parcel density.</p>
7/21/15	17.02.050(4.b.2&3)	HW-ICPD	Sec. 17.02.050(4.b.2) and (4.b.3) need to be reconciled. Sec. b.2 requires a 75-foot buffer for any lots created after Oct. 1 1998. Sec. 4.b.3 applies to lots created before Oct. 1, 1998 and refers to the required 75-foot buffer, which can be reduced to the required shoreline setback. Question: Is the 75-foot buffer required for lots created before Oct. 1, 1998? Does b.3 apply the buffer averaging provision only to lots created before Oct. 1, 1998?		x		
7/21/15	17.03.180(L.4)	HW-ICPD	Requires Group Homes to comply with the standards for Home Occupations in ICC 17.03.180(k.2). Not all of the standards for home occupations are relevant to group homes.		x		

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7/21/15	17.03.035	HW-ICPD	<p>Use tables in 17.03.035 all refer to a 120-day permit review period for Type 1 and II permits. This has been confusing for the public, as the department intends much shorter turnaround periods for these permits. Can we list the shorter time periods, or just omit the review periods?</p> <p>DW: Code used to contain shorter time periods. Former Director urged the BICC to make them consistent with state law. Would support eliminating the per-type reference, in favor of a general reference to all land use permits, consistent with state statute.</p>		x		
7/23/15	17.03.060.C.5	DW – ICPD	<p>Provision has been used as the basis of policy to allow reduced lot sizes for newly created lots in the 5-acre (Rural) zone. Either language can be added to the Rural zone allowance for exception to density/lot size, or, a general provision added to the code to address minimum lot-size area, one that may include portions to be dedicated for public right-of-way, when ROW reduction reduces development capacity. Current definition of lot size does not include any accounting for situations where County or State buys up ROW, resulting in lot sizes now under the minimum lot size for purposes of re-division. Lot area is defined in 17.03.040 as the ‘area within the lot lines’. For lot sizes near 5 acres, the impact of ROW dedication is not so much a physical limitation to development, but a numerical equation that results in lost opportunity that public transportation agencies must pay for – essentially a lot that will never be a lot. In the 5-acre zone, a 10 acre parcel that could normally be divided into 2 lots cannot, if ROW dedication for public road improvement reduces the parent parcel to 9.8 acres (for example).</p> <p>*Need to acknowledge that lot area to the center-line cannot include land donated on a plat (RCW 58.08.015).</p>			x	
7/24/15	17.03.040	DW – ICPD	<p>Lot Area – currently defined as ‘the total land area within the lot lines’. This often includes private tidelands, which are not buildable, for the purposes of meeting minimum lot size. Suggest that for the purposes of calculating lot area, lands seaward of OHWM (those subject to the Shoreline Management Act) <u>not</u> be included in the calculation of lot size, as they are not buildable with conventional structures. Lots refer to land, not the seabed.</p>		x		

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7/24/15	17.03.040	DW – ICPD	<p>Lot Width – ‘means the average horizontal distance between side lot or parcel lines, calculated by dividing the lot area measured in square feet by the length of the lot (i.e. the distance between front and rear property lines measured in feet.’ This provision may result in lots that clearly do not meet the plain meaning of width but by the calculation method, do so (rectangle lots of 100’ in width that can be gerrymandered to result in 2 lots 60’ in width).</p> <p>Suggest: “Lot width” means the horizontal distance measured at the building setback line between the two (2) opposite side lot lines. Average lot width shall be the average of the front and rear lot lines, measured from the front and rear setback lines. For a corner lot, the lot width shall be the average distance of the narrower dimension of the lot.</p>		x		
7/28/15	17.03.040	DW – ICPD	<p>Winery – Definition requested by winery owners. Suggested definitions from winery owners include activities that are not related to wine production or sales (e.g. hosting weddings, concerts, other events).</p> <p>Whatcom County contains no definition of ‘winery’ – Ag definition includes viticulture. Skagit County would deem the vineyard a farm and winery an agricultural processing facility – other uses to promote ‘local agricultural products’ on site are deemed an Ag accessory use. Kitsap County includes viticulture and wineries in definition of Ag uses. Chelan includes ‘places of public or private assembly’ in definition of winery.</p> <p>(See attached list of “Winery” definitions)</p>			x	
8/12/15	17.03.040	Planning staff	<p>Camping – Requested to have a definition. Look for ZCI on this issue. Camping is only referenced in Health code and Greenbank Farm.</p> <p>DW: Not sure this is needed – what is the permitting problem? Is the issue to define it so we enforce against when it occurs? (Camping is not allowed outside of campgrounds, which authorizes the use).</p>	x			

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8/25/15	17.03.040 & 17.03.180.K	Planning staff	Classes of specialized instruction are listed as example of a school – and also listed as a home occupation, but not a home industry. Industries are usually the more intensive uses – but classes that allow 10 students per class and seemingly no limit on the number of classes, are more intensive than most other home occs.		x		
8/25/15	17.03.060	Planning staff	Kennels are a Conditional Use in the R zone, but allowed as a Home Industry, which actually has more restrictions because of the on-site residency requirement. Animal control would like to see more stringent regulation of puppy mills, home breeders. Control officer cites Snohomish County code as good example.		x		
8/25/15	17.03.040	Planning staff	Definition of ‘applicant’ should refer to land use or land division, not limited to ‘land division’ only. See staff definition, which includes owners and authorized agents.	x			
8/25/15	17.03.180.T.1	DW – ICPD	Preamble of this section refers to the Rural zone, but it goes on to list uses in other zones as examples. Since this section refers to uses, and specifically calls out zones for some, preamble reference should be stricken.	x			
9/3/15	17.03.180T(5)	Planning staff	Suggest amendment to language re: Equestrian Centers: “... breeding <u>or</u> rental of horses...”	x			Revise: Strike and, replace with <u>or</u> .
9/3/15	Chp. 17	Planning staff	Code could use language to ‘expire’ permits if no action by applicant in a certain period of time.			x	DW: Permits can be denied if applicant does not ‘fix’ the deficiencies that prevent approval. Code language re: permits that are ‘stuck’ would make it easier to expire them, but ‘automatic’ language may not be appropriate or apply to all cases.

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10/6/15	17.03.120	BJ – ICPD	<p>While 17.03120 appears to identify all of the allowed and prohibited uses for the RC zone, there are in fact a number of more specific standards for each “mixed use RAID” identified in “Appendix A” of the zoning code. For example, 17.03.120.c lists “any building greater than 50,000 square feet” as a prohibited use with no qualifiers, asterisks, or exceptions; however, appendix A indicates that in the Clinton RAID, buildings greater than 14,000 square feet are prohibited.</p> <p>If we are going to have separate standards for each RAID, we should either list them in code as exceptions, or modify the code to include specific zoning designations for each RAID – currently the additional regulations are listed in the <i>designation criteria</i> of RC – a section that shouldn’t be in the established zone anyway, but in the Comp Plan – that is how zones are established.</p>	x	x		
10/6/15	17.03.050.G.7	DW – ICPD	Reference to Transfer of Development Rights should be eliminated, as the County does not administer a TDR program, or issue ‘certificates of development rights’.	x			
10/6/15	17.03.180.W.3.b.	Planning staff	<p>For lots less than one (1) acre in size, the setback may be reduced as necessary to allow reasonable economic use of the property as a Type II Planning and Community Development Director decision pursuant to <a href="#">chapter 16.19</a>. The setback shall not be reduced to less than twenty (20) feet unless it is necessary to achieve a reasonable use as defined in chapters <a href="#">17.02</a>, <a href="#">17.02A</a>, and <a href="#">17.02B</a>.</p> <p>2 issues: 1) ‘Reasonable use’ defined in code – reasonable ‘<i>economic</i>’ use is not. 2) ‘Reasonable use is in three different sections of code – once a common definition is agreed upon, there should be a single reference.</p>	x	x		